

39130  
DO

SERVICE DATE – LATE RELEASE JUNE 16, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 31X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—IN SAWYER  
COUNTY, WI

Decided: June 16, 2008

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 1.80-mile line of railroad between milepost 100.80 and milepost 102.60, in Hayward, Sawyer County, WI. Notice of the exemption was served and published in the Federal Register on November 21, 2007 (72 FR 65645-46). The exemption became effective on December 21, 2007.

By decision and notice of interim trail use or abandonment (NITU) served on December 19, 2007, the proceeding was reopened and a 180-day period was authorized for Wisconsin Department of Transportation, on behalf of the County of Sawyer Wisconsin (CSW) to negotiate an interim trail use/rail banking agreement with WCL for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act).<sup>1</sup> The trail use negotiation period under the NITU expired on June 16, 2008.

By motion filed June 9, 2008, CSW has requested an additional 180-day extension of the NITU negotiating period. CSW states that additional time is needed for negotiations to continue in good faith between SCW and WCL, but that more time is needed to finalize negotiations. By letter filed June 10, 2008, WCL states that it agrees with the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>2</sup> The parties have shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail banking consistent with the Trails Act. Accordingly, the NITU negotiating period will be extended for 180 days, from June 16 2008 to December 13, 2008.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

---

<sup>1</sup> That decision also imposed five environmental conditions.

<sup>2</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. CSW's request to extend the NITU negotiating period for an additional 180 days is granted.
2. The negotiating period under the NITU is extended to December 13, 2008.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmer, Acting Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary